



FISH & NEAVE IP GROUP

ROPES & GRAY LLP

 ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624 617-951-7000 F 617-951-7050
 BOSTON NEW YORK PALO ALTO SAN FRANCISCO WASHINGTON, DC www.ropesgray.com
FAX TRANSMITTAL LETTER**IMPORTANT:** PLEASE DELIVER THIS DOCUMENT IMMEDIATELY!

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL: (617) 951-7000

TOTAL NUMBER OF PAGES INCLUDING THIS TRANSMITTAL LETTER: 10

 RECEIVED
 8 SEP 2005
 Legal Staff
 International Division

| <u>Name</u> | <u>Firm/Company</u> | <u>Fax Number</u> | <u>Phone Number</u> |
|----------------------|----------------------------------|-------------------|---------------------|
| To: PCT Legal Office | U.S. Patent and Trademark Office | (571) 273-0459 | |

From: David P. Halstead, Ph.D.

| | |
|---|-------------------------------|
| Re: In re Patent Appl. of: Brors et al. | Atty Docket No.: VOSS-P01-011 |
| Application No.: 10/509275 | Confirmation No.: 7663 |
| Filing or 371(c) date: May 25, 2005 | Art Unit: 1653 |
| Title: METHOD AND SYSTEM FOR DETERMINING ABSOLUTE MRNA QUANTITIES | |

Comments: Dear PCT Legal Office:

Attached are copies of a Request for Corrected Filing Receipt and accompanying documents that were filed by facsimile with the U.S. Patent Office on July 6, 2005 in connection with the above-captioned application. Kindly process our request and send us an updated Filing Receipt.

Sincerely,

David P. Halstead, Ph.D.
PLEASE COMPLETE WHEN SUBMITTING TO FAX DEPARTMENT

Date: September 8, 2005

File Symbol: VOSS-P01-011

Submitted By:

 09/29/2005 CSM00T 00000001 181945 10509275
 Time: 5:11 00000001 DA# 181945 10509275
 01 FC:2613 460.00 DA
 Personal ID Number: 00 DA
 Phone:

THIS FAX MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. IT IS INTENDED FOR USE ONLY BY THOSE TO WHOM IT IS ADDRESSED. IF THIS FAX IS NOT ADDRESSED TO YOU, OR IF YOU RECEIVED IT IN ERROR, YOU MAY NOT DISCLOSE, DISTRIBUTE, COPY OR USE THIS FAX OR ANY INFORMATION IN IT. INSTEAD, PLEASE CALL US COLLECT AT (617) 951-7000 TO ARRANGE FOR ITS DESTRUCTION OR RETURN.

USPTO 7/6/2005 4:09 PM PAGE 1/001 Fax Server
 :Auto-reply fax to 617 951 7050 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 617 951 7050

Fax Information

Date Received:

7/6/2005 4:04:53 PM [Eastern Daylight Time]

Total Pages:

9 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

07/08/2005 18:10 FAX 617 951 7050

ROPES GRAY

001/009

FAX TRANSMISSION

DATE: July 6, 2005

PTO IDENTIFIERS: Application Number 10/509275
Patent Number

Investor: Broes et al.

MESSAGE TO: Office of Initial Patent Examination

FAX NUMBER: (703) 746-9195

FROM: ROPES & GRAY LLP

David P. Halstead, Ph.D.

PHONE: (617) 951-7615

Attorney Ref. #: VOSS-P01-011

PAGES (including Cover Sheet): 9

CONTENTS:

Request for Corrected Filing Receipt (1 page)
 Copy of Incorrect Filing Receipt with Changes Noted Thereon (3 pages)
 Copy of Assertion of Small Entity Status and Request for Refund as filed on 11/18/04 (4 pages)
 This Facsimile Cover Sheet (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (617) 951-7615 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

ROPES & GRAY LLP

One International Place, Boston, Massachusetts 02110-2024
 Telephone: (617) 951-7000 Facsimile: (617) 951-7050

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 746-0195, on the date shown below.

Dated: July 6, 2005

Signature: 

(Mary Jane DiPalma)

Docket No.: VOSS-P01-011
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Brors et al.

Application No.: 10/509275

Confirmation No.: 7663

Filed: May 25, 2005

Art Unit: 1653

For: METHOD AND SYSTEM FOR DETERMINING
ABSOLUTE MRNA QUANTITIES

Examiner: Not Yet Assigned

REQUEST FOR CORRECTED FILING RECEIPT

Filing Receipt Corrections
Office of Initial Patent Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that a corrected Filing Receipt be issued in the above-identified patent application. The official Filing Receipt received by Applicants, a copy of which is attached hereto with the corrections to be made noted thereon, has the following errors:

Under the Heading "FIL FEE REC'D", please delete "1275" and instead insert --670--;

Under the Heading "Assignment for Published Patent Application", please delete "Krebsforschungszentrum" and instead insert --Krebsforschungszentrum--; and

Above the Title, please insert --**SMALL ENTITY**--.

Applicants claim small entity status. Enclosed are copies of the Assertion of Small Entity Status and Request for Refund and accompany document that were filed with the Patent Office on November 18, 2004. The PTO stamped returned postcard for this filing is also enclosed.

Applicants additionally request that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect this correction.

Applicants believe no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. VOSS-P01-011 from which the undersigned is authorized to draw.

Dated: July 6, 2005

Respectfully submitted,

By 

David P. Halstead, Ph.D.

Registration No.: 44,735

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/509,275 | 05/25/2005 | 1653 | -1275- 670 | VOSS-P01-011 | 3 | 16 | 2 |

28120
 FISH & NEAVE IP GROUP
 ROPES & GRAY LLP
 ONE INTERNATIONAL PLACE
 BOSTON, MA 02110-2624

Ropes & Gray

JUN 30 2005

CONFIRMATION NO. 7663

FILING RECEIPT



OC000000016370524

Intellectual Property Dept.

Date Mailed: 06/27/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Benedikt J Brors, Heidelberg, GERMANY;
 Nicole Hauser, Heidelberg, GERMANY;
 Martin Vingron, Berlin, GERMANY;

Assignment For Published Patent Application

Deutsches Krebsforschungszentrum, Heidelberg, GERMANY

Krebsforschungszentrum

Power of Attorney: The patent practitioners associated with Customer Number 28120.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/03291 03/28/2003

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 02007267.4 03/28/2002

Projected Publication Date: 09/29/2005

Non-Publication Request: No

Early Publication Request: No

Ropes & Gray

Symbol #: VOSS-P01-011

Action Due: Renew FR

Deadline(s): 27 Jul 2005

js

** SMALL ENTIRE **

Page 2 of 3

Title

Method and system for determining absolute mrna quantities

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations

especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

| | |
|---|---------------------------------|
| Via: First Class Mail | Atty Dkt No.: VOSS-P01-011 |
| Inventor: Brors et al. | |
| Application No.: 10/509275 | Filing Date: September 27, 2004 |
| Title: METHOD AND SYSTEM FOR DETERMINING ABSOLUTE MRNA QUANTITIES | |

Documents Filed:

Assertion of Small Entity Status and Request for Refund (1 page)

Copy of Fee Transmittal filed on September 27, 2004 (2 pages)

Credit \$605.00 to deposit account 18-1945

This return postcard

| | |
|----------------------------|-------------------------|
| Sender's Initials: DPH/mjd | Date: November 18, 2004 |
|----------------------------|-------------------------|

9588248_1.DOC

| | |
|---|---------------------------------|
| Via: First Class Mail | Atty Dkt No.: VOSS-P01-011 |
| Inventor: Brors et al. | |
| Application No.: 10/509275 | Filing Date: September 27, 2004 |
| Title: METHOD AND SYSTEM FOR DETERMINING ABSOLUTE MRNA QUANTITIES | |

Documents Filed:

Assertion of Small Entity Status and Request for Refund (1 page)

Copy of Fee Transmittal filed on September 27, 2004 (2 pages)

Credit \$605.00 to deposit account 18-1945

This return postcard



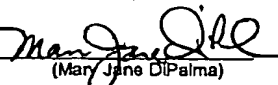
| | |
|----------------------------|-------------------------|
| Sender's Initials: DPH/mjd | Date: November 18, 2004 |
|----------------------------|-------------------------|

9588248_1.DOC

DT03 Rec'd PCT/PTO 22 NOV 2004

BEST AVAILABLE COPY

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 18, 2004 Signature: 

(Mary Jane DiPalma)

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Brors et al.

Attorney Docket No.: VOSS-P01-011

Application No.: 10/509275

Group Art Unit: Not yet assigned

Filed: September 27, 2004

Examiner: Not yet assigned

For: METHOD AND SYSTEM FOR
DETERMINING ABSOLUTE MRNA
QUANTITIES

ASSERTION OF SMALL ENTITY STATUS UNDER 37 CFR § 1.27(C)
AND REQUEST FOR REFUND UNDER 37 CFR § 1.28

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby notify the Patent Office that Applicant is a small entity as defined within the meaning of 37 CFR § 1.27(a), and existed as a small entity at the time of payment of the fee as herein below described. Accordingly, Applicant is entitled to payment of reduced fees under 37 CFR § 1.27(b).

On September 27, 2004 a filing fee was paid for the above-referenced patent application in which Applicant was mistakenly identified as a large entity. As a result the United States Patent and Trademark Office was incorrectly authorized to withdraw the large entity fee of \$1,210.00 instead of the small entity fee of \$605.00. Enclosed herewith is a copy of the Fee Transmittal as submitted on September 27, 2004, on which the incorrectly authorized fee is highlighted for your convenience.

The undersigned authorizes the credit of \$605.00 to our Deposit Account No. 18-1945.

Dated: November 18, 2004

Respectfully submitted,

By 

David P. Halstead, Ph.D.
Registration No.: 44,735

Customer No: 28120
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
Phone: (617) 951-7615
Fax: (617) 951-7050

| | | | |
|--|--|---|---|
| FORM PTO 1390 (REV 10-2003) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTORNEY'S DOCKET NUMBER VOSS-P01-011 |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) |
| INTERNATIONAL APPLICATION NO. PCT/EP03/03291 | INTERNATIONAL FILING DATE 28 March 2003 | PRIORITY DATE CLAIMED 28 March 2002 | |
| TITLE OF INVENTION METHOD AND SYSTEM FOR DETERMINING ABSOLUTE MRNA QUANTITIES | | | |
| APPLICANT(S) FOR DO/EO/US Brors et al. | | | |

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☒ The US has been elected (Article 31).
- ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - ☐ is attached hereto (required only if not communicated by the International Bureau).
 - ☒ has been communicated by the International Bureau.
 - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - ☐ is attached hereto.
 - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - ☐ are attached hereto (required only if not communicated by the International Bureau).
 - ☐ have been communicated by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - ☒ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☒ A preliminary amendment. (4 pages)
- ☒ An Application Data Sheet under 37 CFR 1.76. (3 pages)
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
- ☒ A second copy of the published international application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- ☒ Other items or information: Return Receipt Postcard (1)
Certificate of Express Mail (1 page)

| | | | | | |
|---|--|---|--|--|--|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) | | INTERNATIONAL APPLICATION NO. PCT/EP03/03291 | | ATTORNEY'S DOCKET NUMBER VOSS-P01-011 | |
|---|--|---|--|--|--|

21. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00

☒ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00

☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00

☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00

☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (c)).

| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
|---|--------------|--------------|------|----|----------|
| Total claims | 17-20 = | | x | \$ | 0.00 |
| Independent claims | 2-3 = | | x | \$ | 0.00 |
| MULTIPLE DEPENDENT CLAIM(s) (if applicable) | | | | + | 290.00 |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | 1,210.00 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ | |
| SUBTOTAL = | | | | \$ | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ | 1,210.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | + | \$ |
| TOTAL FEES ENCLOSED = | | | | \$ | 1,210.00 |

| | | |
|--|-------------------------------|----|
| | Amount to be refunded: | \$ |
| | charged: | \$ |

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 18-1945 in the amount of \$ 1,210.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

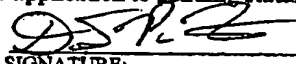
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 18-1945. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Edward J. Kelly
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7532
CUSTOMER NUMBER: 28120


SIGNATURE: _____
David P. Halstead, Ph.D.
NAME _____
44,735
REGISTRATION NUMBER